

EXHIBIT 14

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EXHIBIT 14

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,)
Plaintiff,)
vs.) Case No.
UBER TECHNOLOGIES, INC.;) 3:17-cv-000939-WHA
OTTOMOTTO LLC; OTTO TRUCKING,)
INC.,)
Defendants.)
_____)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF KRISTINN GUDJONSSON
Palo Alto, California
Friday, July 28, 2017
Volume I

Reported by:
CARLA SOARES
CSR No. 5908
JOB No. 2665814

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1 Q Did you check the work described in 15:11:20
2 paragraph 17?
3 A Yes.
4 Q Do you recall when?
5 A No. 15:11:28
6 Q Did you check the work described in
7 paragraph 18?
8 A Yes.
9 Q Do you recall when?
10 A No. 15:11:34
11 Q Did you check the work described in
12 paragraph 19?
13 A Yes.
14 Q When?
15 A Not sure. 15:11:43
16 Q Did you check the work described in
17 paragraph 20?
18 A Yes.
19 Q When?
20 A Not sure. 15:11:54
21 Q In any of your checks for that work, did
22 you disagree with Mr. Brown?
23 A No.
24 Q In your experience, is it unusual for a
25 Google engineer to download 14,000 files from an SVN 15:12:27

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1 repository? 15:12:32
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2 MR. BAKER: Objection to form.

3 THE WITNESS: I wouldn't know.

4 BY MR. TAKASHIMA:

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5      Q      When you connect for the first time to an      15:12:37
6      SVN repository, does that download all the files in
7      that repository?

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8      A   Depending on how you do it, you might
9      track a particular directory or the whole project.
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10	Q	Does Google have any systems that raise an	15:12:55
11		alert when a large number of files are downloaded by	
12		a Google employee?	

13	A	[REDACTED]
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[REDACTED] [REDACTED]

	[REDACTED]	
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15:13:57

1 today, you are not aware of any evidence that 15:29:57

2 Mr. Levandowski copied files off the computer before

3 it was reimaged?

4 MR. BAKER: Objection to form.

5 THE WITNESS: I can only tell you what's 15:30:06

6 in the declaration here, what we see here.

7 BY MR. TAKASHIMA:

8 Q To your knowledge, has there been any

9 investigation of Mr. Levandowski's e-mail account at

10 Google? 15:30:53

11 A I'm not sure.

12 Q To your knowledge, has anybody connected

13 with an investigation reviewed the contents of

14 Mr. Levandowski's e-mail account at Google?

15 A I'm not sure. 15:31:05

16 Q Who would know?

17 A Lawyers.

18 Q Would anybody else in digital forensics

19 know?

20 A Potentially, but probably not. It 15:31:22

21 probably would have been me if that check was made.

22 Q Have you conducted -- been involved in any

23 review of Mr. Levandowski's workstation from Google?

24 A The workstation, no.

25 Q Has anybody else from digital forensics 15:31:42

1 conducted that investigation? 15:31:44

2 A No.

3 Q Has anybody looked at Mr. Levandowski's

4 workstation?

5 A Not to my knowledge. 15:31:49

6 Q Has the workstation been preserved?

7 A Not to my knowledge.

8 Q Okay. Has it been deleted?

9 A I'm not sure. I would have to go check.

10 Q Did you ever discuss with anybody 15:32:07

11 investigating Mr. Levandowski's workstation?

12 MR. BAKER: Again, I just want to caution

13 the witness not to disclose any communications that

14 he's had with attorneys.

15 If you have a question, we can go outside. 15:32:22

16 MR. TAKASHIMA: Do you want to take a

17 break?

18 THE WITNESS: Yes. Let's do that.

19 THE VIDEO OPERATOR: We are now going off

20 the record, and the time is 3:32. 15:32:31

21 (Recess, 3:32 p.m. - 3:39 p.m.)

22 THE VIDEO OPERATOR: We're now going back

23 on the record, and the time is 3:39.

24 BY MR. TAKASHIMA:

25 Q Did you ever discuss with anybody whether 15:39:05

1 whether or not, because we didn't have the logs that 15:42:40
2 would be pointing us towards that.

3 Q Did Mr. Brown have any inclination one way
4 or the other as to --

5 A You would have to ask him. 15:42:50

6 Q Did he have any -- did Mr. Brown express
7 to you whether he thought it would be a good idea to
8 investigate Mr. Levandowski's workstation?

9 A I don't remember.

10 Q Did you discuss with Ms. Bailey whether to 15:43:04
11 investigate Mr. Levandowski's workstation?

12 A I do think so, yes.

13 Q Okay. What did you say?

14 A "Should we look at his workstation?"

15 (Question not answered per instruction of counsel): 15:43:17

16 Q Okay. What did she say?

17 MR. BAKER: Objection. I'm going to
18 object as attorney-client privileged and instruct
19 the witness not to answer.

20 BY MR. TAKASHIMA: 15:43:24

21 Q Is Ms. Bailey an attorney?

22 A Not to my knowledge, but I do believe
23 there was an attorney present at the time as well.

24 (Question not answered per instruction of counsel):

25 Q Okay. Did Ms. Bailey express an opinion 15:43:32

1 as to whether Mr. Levandowski's workstation should 15:43:44
2 be investigated?

3 MR. BAKER: Same objection.

4 Counsel, my understanding is that these
5 conversations were -- were -- an attorney was 15:43:51
6 present for these conversations, so I'm going to
7 object as attorney-client privileged and work
8 product and instruct the witness not to answer.

9 MR. TAKASHIMA: Okay. You're not going to
10 allow him to say yes or no? 15:44:04

11 MR. BAKER: I'm sorry?

12 MR. TAKASHIMA: You're not going to allow
13 him to say yes or no; is that correct?

14 MR. BAKER: What was the question again?

15 MR. TAKASHIMA: The question is -- 15:44:10

16 MR. BAKER: Did Ms. Bailey express an
17 opinion as to whether Mr. Levandowski's work --
18 yeah, I'm not going to allow him to answer that
19 question.

20 MR. TAKASHIMA: Okay. 15:44:18

21 Q If you and Mr. Brown had not received any
22 input from counsel or Ms. Bailey, would you have
23 investigated Mr. Levandowski's workstation?

24 MR. BAKER: Hold on one second, Kris.

25 Objection to form. I'll allow you to 15:45:11

1 A Yes. 15:50:07

2 Q What devices were there?

3 A That is logged in our machine records.

4 Q Okay. Did the [REDACTED] data identify that

5 he had a workstation? 15:50:18

6 A Yes.

7 Q And did it identify that he had a -- the W

8 machine?

9 A Yes.

10 Q And the G machine? 15:50:26

11 A Yes.

12 Q Anything else?

13 A I don't remember.

14 Q But that would be in the machine record?

15 A Yes. 15:50:36

16 Q TortoiseSVN was installed on the W machine

17 sometime in December 2015, correct?

18 A If that's the date that's in the

19 declaration, then yes.

20 Q There we go. Paragraph 16. 15:51:20

21 A Yes. December 11th. Yes.

22 Q Did you check any records to determine if

23 TortoiseSVN had previously been installed prior to

24 that date?

25 A That's something that Gary did. 15:51:38

1 Q So you did not? 15:51:42

2 A No. Gary would have done that.

3 Q Did you check any logs for the Waymo SVN

4 repository to determine whether Mr. Levandowski had

5 accessed that repository prior to December 2015? 15:52:00

6 A I did not.

7 Q Mr. Brown did that analysis?

8 A Yes.

9 Q Did Mr. Brown have TortoiseSVN installed

10 on his workstation? 15:52:17

11 A Sorry?

12 Q I'm sorry. I apologize for that

13 question.

14 Did Mr. Levandowski have TortoiseSVN

15 installed on his workstation? 15:52:23

16 A Not to my knowledge.

17 Q Did you check?

18 A I'm not sure.

19 Q Have you ever conducted any kind of check

20 on his workstation? 15:52:35

21 A I might have, but not to my recollection.

22 But that would probably have been Gary that did

23 that.

24 Q That checked his workstation?

25 A Yes. 15:52:49

1 Q What else did Mr. Brown do with 15:52:49
2 Mr. Levandowski's workstation?
3 A You would have to ask him.
4 Q Was Mr. Levandowski's workstation imaged?
5 A No. 15:52:59
6 Q Why not?
7 MR. BAKER: Objection. Why don't we step
8 outside.
9 THE WITNESS: Okay.
10 THE VIDEO OPERATOR: Going off the record, 15:53:11
11 and the time is 3:53.
12 (Recess, 3:53 p.m. - 3:55 p.m.)
13 THE VIDEO OPERATOR: We're now going back
14 on the record, and the time is 3:55.
15 BY MR. TAKASHIMA: 15:55:26
16 Q We were discussing Mr. Levandowski's
17 workstation, right?
18 A Yes.
19 Q And you explained that Mr. Levandowski's
20 workstation was not imaged, correct? 15:55:31
21 A Not to my knowledge.
22 Q Why not?
23 MR. BAKER: Objection to form.
24 THE WITNESS: I wouldn't know why not.
25 (Question not answered per instruction of counsel): 15:55:41

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1 BY MR. TAKASHIMA: 15:55:42

2 Q Did you ever discuss with anybody whether
3 to make an image of the workstation?

4 A Again, it goes back to discussions with
5 lawyers. 15:55:49

6 MR. BAKER: I'll instruct the witness not
7 to answer.

8 BY MR. TAKASHIMA:

9 Q Okay. Are there any playbooks within
10 digital forensics that address [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

13 A Sorry. Can you clarify more what you mean
14 by that?

15 Q Sure. 15:56:27

16 Earlier today, we discussed playbooks.

17 A Yes.

18 Q You have that in mind?

19 A Yes.

20 Q Okay. Are there any playbooks that 15:56:31

21 address [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

15:56:45

1 people with proper credentials are downloading? 16:23:23

2 A What documents?

3 Q Any documents that Google maintains in a

4 repository.

5 MR. BAKER: Objection to form. 16:23:31

6 THE WITNESS: Are you talking about code?

7 Are you talking about Word documents or Google Docs?

8 BY MS. HYDE:

9 Q Sorry. Let me be more clear.

10 When an employee wants to, say, download a 16:23:41

11 document that they're working on from the SVN

12 server --

13 A So you're talking about code?

14 Q Yes -- what are the permissions for doing

15 that? 16:23:52

16 A The SVN server is maintained by Waymo, so

17 you would have to ask somebody that maintains that.

18 I would not know.

19 Q You would not know?

20 A No. 16:24:00

21 Q What about one that's stored in the Google

22 Drive?

23 A Like a document within Google Drive?

24 Q Yes.

25 A What sort of -- what restrictions? What 16:24:08

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1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath; that
8 a record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; that the foregoing transcript is
11 a true record of the testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [X] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21 Dated: 7/29/2017

22
23 

24 CARLA SOARES

25 CSR No. 5908